REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-21 in the application. In the present response, the Applicants have amended Claims 1, 3 and 8-10. No claims have been canceled or added. The Examiner has indicated that original Claims 15-21 include allowable subject matter. The Applicants also believe that amended independent Claims 1 and 8 and Claims dependent thereon are also allowable. Accordingly, Claims 1-21 are currently pending in the application.

I.   Formal Matters and Objections

The Examiner has objected to the specification due to an informality. In response, the Applicants have amended the specification to include the application number of a related application. Accordingly, the Applicants respectfully request the Examiner to withdraw the objection to the specification.

The Examiner has also objected to Claims 1-7, 13, and 20 due to informalities. Regarding Claims 1-7, the Examiner asserts that "configured to" in Claim 1 should be changed to reflect a positive limitation. (*See* Examiner's Action, page 3.) The Applicants respectfully disagree. As discussed in the MPEP, functional limitations are often used "to define a particular capability or purpose that is served by" a recited element. Just like any other limitation, a functional limitation must be evaluated and considered "for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used." (*See* MPEP 2173.05(g), second paragraph.) One skilled in the pertinent art would understand what is being conveyed by "a virtual segmentation subsystem, ... , configured to perform virtual segmentation on a protocol data unit" as recited in Claim 1. Additionally, the Applicants direct the Examiner to the last paragraph of MPEP 2173.05(g)

that provides examples of functional language limitations that would not necessarily be considered "positive limitations" but are considered to precisely define structural attributes. Accordingly, the Applicants respectfully request the Examiner to withdraw this objection to Claims 1-7.

Additionally, the Examiner has objected to Claims 6, 13 and 20 for using "the group" instead of "a group." (*See* Examiner's Action, page 3.) The Applicants respectfully disagree and direct the Examiner to MPEP 2173.05(h) I that discusses Markush Groups. As stated in the fourth and sixth paragraphs of this section of the MPEP, "selected from the group" is a proper form for a Markush group. Accordingly, the Applicants respectfully request the Examiner to withdraw this objection of Claims 6, 13 and 20 and allow issuance thereof.

II.   Rejection of Claims 1-5 and 8-12 under 35 U.S.C. §102

The Examiner has rejected Claims 1-5 and 8-12 under 35 U.S.C. §102(b) as being anticipated by U. S. Patent No. 6,052,387 to Chow, *et al.* The Applicants respectfully disagree since Chow does not teach receiving at least a portion of a protocol data unit (PDU), storing the at least a portion of the PDU in at least one block and performing virtual segmentation on the PDU so as to segment the at least one block when retrieved as recited in independent Claims 1 and 8.

Chow is directed to providing an enhanced interface between a processor and an Asynchronous Transfer Mode (ATM) segmentation controller. Chow discloses a software driver that communicates with the controller to efficiently segment PDUs into ATM cells for transmission. (*See* column 1, lines 30-38.) Thus, Chow discloses efficiently segmenting PDUs but does not teach performing virtual segmentation on a PDU so as to segment at least one block of at least a portion of the PDU when retrieved. Instead, Chow retrieves the data of the PDU and

once the data of the PDU is retrieved, segments the data into ATM cells. (*See* column 4, line 66 to column 5, line 3.) Thus, unlike the present invention that can perform virtual segmentation of a PDU without receiving all of the data of the PDU, Chow retrieves all of the data of a PDU before performing segmentation.

Therefore, Chow does not disclose each and every element of independent Claims 1 and 8 and, as such, does not anticipate Claims 1 and 8 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to Claims 1-5 and 8-12 and allow issuance thereof.

III.   Rejection of Claims 6 and 13 under 35 U.S.C. §103

The Examiner has rejected Claims 6 and 13 under 35 U.S.C. §103(a) as being unpatentable over Chow in view of U.S. Patent No. 6,614,793 to Richards, *et al.*   The Applicants respectfully disagree.

As discussed above, Chow does not teach performing virtual segmentation on a PDU so as to segment at least one block of at least a portion of the PDU when retrieved as recited in independent Claims 1 and 8. Chow also does not suggest performing virtual segmentation on a PDU so as to segment at least one block of at least a portion of the PDU when retrieved since Chow teaches segmenting a PDU once all of the data of a PDU is retrieved. (*See* column 4, line 66 to column 5, line 3.) Chow, therefore, does not teach or suggest each and every element of independent Claims 1 and 8.

Richards has not been cited to cure the deficiency of Chow but has been cited by the Examiner to teach generating a validity check. (*See* Examiner's Action, page 6). Thus, the cited

combination of Chow and Richards does not teach or suggest performing virtual segmentation on a PDU so as to segment at least one block of at least a portion of the PDU when retrieved as recited in independent Claims 1 and 8.

Since the cited combination of Chow and Richards fails to teach or suggest each and every element of independent Claims 1 and 8, the cited combination of Chow and Richards does not provide a *prima facie* case of obviousness of Claims 1 and 8 and Claims dependent thereon. Accordingly, Claims 6 and 13 are not unpatentable in view of the cited combination of Chow and Richards and the Applicants respectfully request the Examiner withdraw the 35 U.S.C. §103(a) rejection and allow issuance of these claims.

IV.   Rejection of Claims 7 and 14 under 35 U.S.C. §103

The Examiner has rejected Claims 7 and 14 under 35 U.S.C. §103(a) as being unpatentable over Chow. As discussed above with respect to Claims 6 and 13, Chow does not teach or suggest each element of independent Claims 1 and 8. Since Chow fails to teach or suggest each and every element of independent Claims 1 and 8, Chow does not provide a *prima facie* case of obviousness of Claims 1 and 8 and Claims dependent thereon. Accordingly, Claims 7 and 14 are not unpatentable in view of Chow and the Applicants respectfully request the Examiner withdraw the 35 U.S.C. §103(a) rejection and allow issuance of these claims.

V. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-21.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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